

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Elmaleh, D. *et al.*

Application No.: 09/945,166

Filing Date: August 31, 2001

Title: *Targeted Nucleic Acid Constructs and
Uses Related Thereto*

Attorney Docket No.: **FLA-003.01**

Art Unit: 1635

Examiner: Tracy Ann Vivlemore

INFORMATION DISCLOSURE STATEMENT

Dear Examiner Vivlemore:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying form used in lieu of Form PTO/SB/08a/b, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of references CA and CB are attached hereto.

REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed:

- (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office Action** on the merits, or before the mailing of a **first Office Action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or
- (2) after the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. 1.311, and
 - the requisite Statement is below, **OR**
 - the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein, or
- (3) after the mailing date of a **final action** or **notice of allowance** but before the payment of the **issue fee**, **AND**
 - the requisite Statement is below, **AND**
 - the requisite petition fee under 37 C.F.R. 1.17(p), namely **\$180.00** is included herein.

It is respectfully requested that each of the patents and publications listed on the attached form used in lieu of Form PTO/SB/08a/b, and other information contained herein, be made of record in this application.

STATEMENT

As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that [check the appropriate space only if either (2) or (3) is checked on the previous page and the Statement is required]:

1. Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application **not more than three months** prior to the filing of the Information Disclosure Statement; or

2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to **any individual** designated in 37 C.F.R. 1.56(c) **more than three months** prior to the filing of the Information Disclosure Statement.

Respectfully submitted,

Date: March 28, 2008
Reg. No. 56,929

Tel. No. (617) 832-1000
Fax No. (617) 832-7000

/Jacob I. Wasserman/
Jacob I. Wasserman, Ph.D.
Agent for Applicants
Foley Hoag LLP
155 Seaport Boulevard
Boston, Massachusetts 02210-2600